

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

ONE WISCONSIN INSTITUTE, INC.,
CITIZEN ACTION OF WISCONSIN EDUCATION
FUND, INC., RENEE M.
GAGNER, ANITA JOHNSON,
CODY R. NELSON, JENNIFER S. TASSE,
SCOTT T. TRINDL, MICHAEL R. WILDER,
JOHNNY M. RANDLE, DAVID WALKER
DAVID APONTE, and CASSANDRA M.
SILAS,

Plaintiffs,

v.

15-cv-324-jdp

MARK L. THOMSEN, ANN S. JACOBS,
BEVERLY R. GILL, JULIE M. GLANCEY,
STEVE KING, DON M. MILLS, MICHAEL
HAAS, MARK GOTTLIEB, and
KRISTINA BOARDMAN,
all in their official capacities,

Defendants.

JUSTIN LUFT, et al.,
on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

20-cv-768-jdp

TONY EVERS, et al.,

Defendants.

**DECLARATION OF KARYN ROTKER, ESQ. IN SUPPORT OF *LUFT* PLAINTIFFS'
MOTION FOR A PRELIMINARY INJUNCTION**

I, Karyn Rotker, Esq., declare as follows:

1. I am an attorney at law licensed to practice law in Wisconsin. I am an attorney at the American Civil Liberties Union of Wisconsin Foundation, Inc. and one of the counsel of record for Plaintiffs. I submit this declaration in support of *Luft* Plaintiffs' Motion for a Preliminary Injunction. Unless otherwise stated, I have personal knowledge of all matters stated herein and would competently testify thereto if called upon as a witness.

2. Attached hereto as **Exhibit 1** is a true and correct copy of a temporary IDPP receipt ("Temporary Receipt"), with personal information redacted, produced by Defendants, and beginning with Bates stamp DEF-DMV107908. On information and belief, effective August 17, 2020, the temporary receipts issued to Voter ID Petition Process ("IDPP") applicants are being issued with 60-day expiration periods instead of the 180-day expiration period used for the past few years and on Exhibit 1.

3. Attached hereto as **Exhibit 2** is a true and correct copy of the Palm Card, a one-page handout created by the Wisconsin Election Commission ("WEC") that explains IDPP, available at https://elections.wi.gov/sites/elections.wi.gov/files/publication/137/idpp_palm_card_10_14_2016_pdf_15855.pdf.

4. Attached hereto as **Exhibit 3** is a true and correct copy of the Monthly ID Petition Record Process Report through June 30, 2020, produced by Defendants and beginning with Bates stamp DEF-DMV020582.

5. Attached hereto as **Exhibit 4** is a true and correct copy of excerpts of a document entitled "IDPP Phase 1 – 2/18/2020 Election," produced by Defendants and beginning with Bates stamp DEF-DMV054531.

6. Attached hereto as **Exhibit 5** is a true and correct copy a document dated August 19, 2020, entitled “Processing ID Petition Process Applications – Non-Election Mode,” produced by Defendants and beginning with Bates stamp DEF-DMV272178.

7. Attached hereto as **Exhibit 6** is a true and correct copy of the Wisconsin Department of Transportation Form MV3004 – Wisconsin Identification Card (ID) Application, downloaded on or about September 1, 2020, from <https://wisconsindot.gov/Documents/formdocs/mv3004.pdf>.

8. Attached hereto as **Exhibit 7** is a true and correct copy of Wisconsin Department of Transportation Form MV3012 – DMV Petition Administrator – Unavailable Documentation, downloaded on or about September 1, 2020, from <https://wisconsindot.gov/Documents/formdocs/mv3012.docx>.

9. Attached hereto as **Exhibit 8** is a true and correct copy of a Government Accountability Board (GAB) letter to the chairs of the Joint Committee on Finance along with the GAB’s Budget Details for Implementing the Voter Photo Identification Law, dated July 1, 2011.

10. Attached hereto as **Exhibit 9** is a true and correct copy of an email chain beginning with an email to GAB public relations officer Reid Magney, dated April 28, 2015, attaching an estimate from Knupp & Watson & Wallman (“KW2”) to the GAB with the same date. This document was authenticated during the deposition of Andrew Wallman, a KW2 principal, on May 9, 2017.

11. Attached hereto as **Exhibit 10** is a true and correct copy of an email chain including a number of Wisconsin Elections Commission staff members and KW2 staff, dated October 13, 2016, attaching KW2’s Final Campaign Report for July 27-Oct. 13, 2016, for the Bring It to the

Ballot Campaign. This document was authenticated during the deposition of Andrew Wallman, a KW2 principal, on May 9, 2017.

12. Attached hereto as **Exhibit 11** is a true and correct copy of the Wisconsin Elections Commission Frequently Asked Questions, as downloaded from their website <https://elections.wi.gov/faq> on or about September 1, 2020.

13. Attached hereto as **Exhibit 12** is a true and correct copy of the Wisconsin Elections Commission handout on Acceptable Photo IDs for Voting in Wisconsin, as downloaded from https://elections.wi.gov/sites/elections.wi.gov/files/2020-09/7%20Acceptable%20Photo%20ID%26%23039%3Bs%20Pictures-2020a_0.pdf on or about September 1, 2020.

14. Attached hereto as **Exhibit 13** is a true and correct copy of the Wisconsin Elections Commission Voter Information Guides website, as downloaded from their website, <https://elections.wi.gov/publications/brochures/voter-guides> on or about September 1, 2020.

15. Attached hereto as **Exhibit 14** is a true and correct copy of the Wisconsin Elections Commission Wisconsin Voting Deadlines and Facts for November 2020, as downloaded from their website, <https://elections.wi.gov/sites/elections.wi.gov/files/2020-08/NR%20Elections%20-%20Absentee%20Voting%20Facts%20for%20November%202020%2008-20-20.pdf> on or about September 1, 2020.

16. Attached hereto as **Exhibit 15** is a true and correct copy of Bring It to the Ballot's Voting in Wisconsin and The Voter Photo Identification Law pamphlet, as downloaded from https://elections.wi.gov/sites/elections.wi.gov/files/2020-09/Total%20Guide%20numbered-2020a%20updates_1.pdf on or about September 1, 2020

17. Attached hereto as **Exhibit 16** is a true and correct copy of the United States Census Bureau Quick Facts for Wisconsin, available at <https://www.census.gov/quickfacts/WI>.

18. Attached hereto as **Exhibit 17** is a true and correct copy of Online in Wisconsin's Findings from the Wisconsin Family Health Survey, 2015 Release, as downloaded from <https://www.dhs.wisconsin.gov/publications/p01143.pdf>, on or about September 1, 2020.

19. Attached hereto as **Exhibit 18** is a true and correct copy of the Wisconsin Policy Forum's May 2020 article entitled "Wisconsin's Digital Divide and its Impacts on Learning," downloaded from <https://wispolicyforum.org/research/wisconsins-digital-divide-and-its-impacts-on-learning/> on or about September 1, 2020.

20. Attached hereto as **Exhibit 19** is a true and correct copy of Wisconsin Broadband Map – Unserved Areas, downloaded from the Wisconsin Public Service Commission website on at <https://maps.psc.wi.gov/apps/WisconsinBroadbandMap/> on or about September 1, 2020.

21. Attached hereto as **Exhibit 20** is a true and correct copy of the summary of WEC's IDPP Outreach Plan, produced by Defendants and beginning with Bates DEF-WEC000140.

22. Attached hereto as **Exhibit 21** is a true and correct copy of WEC's pamphlet entitled "How Wisconsin is Prepared for the November 3 Election," downloaded from on or about September 1, 2020.

23. Attached hereto as **Exhibit 22** is a true and correct copy of Wisconsin Elections Commission's Absentee Ballot mailing and application, produced by Defendants and beginning with Bates DEF-WEC000138.

24. Attached hereto as **Exhibit 23** is a true and correct copy of WEC's June 10, 2020 Open Session materials, available at https://elections.wi.gov/sites/elections.wi.gov/files/2020-06/Open%20Session%206.10.2020.Final_.pdf.

25. Attached hereto as **Exhibit 24** is a true and correct copy of the email from Michael S. Murphy to Charles G. Curtis, Jr. and me, dated September 11, 2020.

26. Attached hereto as **Exhibit 25** is a true and correct copy of the Takeaway Document from the Wisconsin Department of Motor Vehicles, used as Exhibit 5042 in the deposition of Kristina Boardman on September 3, 2020. The Takeaway Document is available at <https://wisconsindot.gov/Documents/dmv/shared/idpp-takeaway.pdf>.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing statements are true and correct to the best of my knowledge and belief.

Executed this 18th day of September 1020
at Milwaukee, Wisconsin.

/s/ Karyn Rotker
Karyn Rotker